

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In Re:

LARRY M. & SANDY K MIERA

Debtors.

No. 09-14066-J7

**APPLICATION BY TRUSTEE TO EMPLOY REAL ESTATE BROKER**

Comes now, Yvette J. Gonzales, Trustee herein, applies for the appointment of a real estate broker. In support thereof, the Trustee would show the following:

1. Applicant is the duly qualified and acting Trustee in this case.
2. Among the assets of the estate is real property located in Bernalillo County, NM; with the address of 9622 Arvada.
3. In order to market this real property most effectively and to liquidate it for the highest and best price, applicant has solicited the assistance of Kelly Hardison of Coldwell Banker Legacy, a real estate broker licensed by the State of New Mexico, who will examine and determine the value of the property relative to the current market, advertise the property at the broker's expense, show the property to interested parties, represent the estate as seller in connection with the sale of the property, and advise the Trustee with respect to obtaining the highest and best offers available in the present market.
4. The Trustee seeks to employ Kelly Hardison of Coldwell Banker Legacy, as a real estate broker, to obtain and submit offers to purchase the property. In consideration for these services, the broker will receive as a commission, upon consummation and closing of any such sale, an amount equal to six percent (6 %) of the purchase price plus applicable sales tax, subject to approval by this Court.
5. The proposed broker has been informed and understands that no sale may be closed until after notice and hearing to creditors.
6. The Trustee is informed and believes that the employment of this real estate broker on

the terms and conditions set forth herein is in the best interests of the estate.

7. The Trustee is satisfied from the Verified Statement attached hereto as Exhibit "A" that this real estate broker is a disinterested person as defined by Section 101 of the United States Bankruptcy Code.

8. The Trustee requests that the Order approving such employment be effective retroactively to the date of the filing of this Application.

WHEREFORE, Yvette J. Gonzales requests that this Court enter an order, after notice to all creditors and other parties in interest, authorizing her to employ Kelly Hardison of Coldwell Banker Legacy, as real estate broker on the terms and conditions set forth herein.

Submitted by:  
Submitted Electronically  
Yvette J. Gonzales  
Trustee  
PO Box 1037  
Placitas, NM 87043  
(505) 771-0700

I hereby certify that a true and correct copy of the foregoing was delivered by US mail with proper postage, and electronic means when available, to the following on this 12<sup>th</sup> day of January, 2010;

Leonard Martinez-Metzgar  
Office of U. S. Trustee  
[ustpreregion20.aq.ecf@usdoj.gov](mailto:ustpreregion20.aq.ecf@usdoj.gov)

DIANE WEBB  
Attorney for Debtors  
PO BOX 30456  
ALBUQUERQUE, NM 871900456

Kelly Hardison  
Coldwell Banker Legacy  
6767 Academy NE  
Albuquerque, NM 87109

Submitted Electronically  
Melanie Thompson